

**Filed 6/3/03 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2003 ND 80

Rebecca Weninger,

Petitioner and Appellee

v.

Peter John Grzeskowiak,

Respondent and Appellant

No. 20030009

Appeal from the District Court of Walsh County, Northeast Judicial District,
the Honorable M. Richard Geiger, Judge.

AFFIRMED.

Per Curiam.

Peter John Grzeskowiak (submitted on brief), pro se, 15750 Co. Rd. 15, Minto,
N.D. 58261, respondent and appellant.

Rebecca Weninger (no appearance), petitioner and appellee.

Weninger v. Grzeskowiak

No. 20030009

Per Curiam.

[¶1] Peter Grzeskowiak appeals from the November 14, 2002, disorderly conduct restraining order issued against him, alleging that there was insufficient evidence to support issuance of the restraining order.

[¶2] It is within the sound discretion of the trial court whether to grant a restraining order, and its decision will not be disturbed absent a clear abuse of discretion. See Wishnatsky v. Huey, 1997 ND 35, ¶ 8, 560 N.W.2d 878. Grzeskowiak has not filed a transcript on appeal. “Failure to provide a transcript may prevent a party from being successful on appeal.” Owan v. Kindel, 347 N.W.2d 577, 579 (N.D. 1984). The partial record we have been provided is not adequate to establish a clear abuse of discretion. See State v. Clark, 2001 ND 194, ¶ 8, 636 N.W.2d 660 (“[T]he record on appeal does not allow us to properly determine whether the trial court abused its discretion”); In re C.J.C., 2000 ND 27, ¶ 8, 606 N.W.2d 117 (“The available record contains only fragmentary, incomplete information . . . [and] does not reveal an abuse of discretion.”). By not demonstrating an abuse of discretion, Grzeskowiak fails to carry his burden. See Clark, at ¶ 8.

[¶3] We summarily affirm under N.D.R.App.P. 35.1(a)(4).

[¶4] Gerald W. VandeWalle, C.J.
Mary Muehlen Maring
William A. Neumann
Dale V. Sandstrom
Carol Ronning Kapsner